

### **REMARKS/ARGUMENTS**

The Office Action mailed July 27, 2006 has been reviewed and carefully considered. Claims 1-34 are pending in this application, with claims 1, 9, and 12 being the only independent claims. Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

Applicant and Applicant's undersigned representative thank the Examiner for his time and consideration during the telephonic interview of November 8, 2006. The following incorporates the subject matter discussed therein.

#### **Specification Amendments**

The specification is amended to correct typographical errors.

#### **Claim Amendments**

Independent claims 1, 9, and 12 are amended to recite "including a deal execution requirement for matching the request and the offer, for executing a trade between the matched buyer and seller in accordance with the deal execution requirements". Support for this limitation is found at page 9, lines 7-10, and page 10, lines 14-16.

Claims 2, 3 and 10 are amended to be consistent with the changes to the independent claims.

Claims 4, 7, 11, and 14 are amended to change "contents database" to --third content database-- to clarify that the third content database is separate from the previously recited buyer's and seller's content databases. Support for this limitation is found in Fig. 1 which shows the buyer's and seller's content servers/storage 20, 26 and a separate contents database 30.

Claims 4, 11, and 14 are also amended to consistently refer to --media content--.

Claim 7 is amended to clarify that the media content is delivered to the seller of the matched pair, as suggested by the Examiner.

New claims 15, 22, and 28 recite performing one of clearing, settlement and billing for each matched request and offer pair. Support for these claims is found in Fig. 1; and at page 9, lines 11-13 of the specification.

New claims 16, 23, and 30 recite that the media space is an ad space on one of television, radio, newspaper, magazine, Internet, and outdoor signage. Support for this limitation is found at page 5, lines 17.

New claims 17, 24, and 31 recite that the media space includes attributes comprising at least one of type of medium, unit of trade, target market, time interval of placement, and audience characteristics. Support for these limitations is found at page 5, line 18 to page 6, line 2; and Fig. 2.

New claims 18, 25, and 32 recite that the buyer and the seller are market participants, wherein the market participants comprise at least one of an advertisers, a representative of advertisers, a media space owner, an agent of media space owners, a media space broker, risk manager or speculator. Support for these limitations is found at page 6, lines 3-6.

New claims 19, 26, and 33 recite that the service node is configured to present an input screen to buyer and seller for the request and the offer. Support for these limitations is found at Fig. 2 and page 8, lines 13-15.

New claims 20, 27, and 34 recite an interface through which the buyer and seller interact with said server node, said interface comprising at least one of a computer, a cell phone,

and a personal digital assistant. Support for these limitation is found at page 8, lines 5-7; and Fig. 1.

Claims 21 and 29 further comprise the step of coordinating, by the server node, the delivery of the media content between the buyer and the seller. Support for this limitation is found at page 10, lines 7-10.

#### **Rejection of Claims under 35 U.S.C. §112**

Claims 4, 7, 11, and 14 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite. The claims have been amended as described above to address each of the Examiner's rejections. Accordingly, the rejection of claims 4, 7, 11, and 14, as being indefinite under 35 U.S.C. §112, second paragraph, should now be withdrawn.

#### **Rejection of Claims under 35 U.S.C. §103**

Claims 1-14 stand rejected under 35 U.S.C. 103(a) as unpatentable over Eldering (U.S. Patent No. 6,324,519).

Independent claim 1 recites "a server node operatively connectable to user interfaces for receiving a request for media space from a buyer and an offer of media space from a seller, said server node comprising a set of rules including a deal execution requirement for matching the request and the offer, for executing a trade between the matched buyer and seller in accordance with a deal execution requirement". Independent claim 9 recites "receiving, at a server node, a request for media space from a buyer and an offer of media space from a seller", "matching, at the server, the request of the buyer and the offer of the seller", and "executing, at the server node, a trade between the matched buyer and seller according to predetermined rules including a deal execution requirement". Similarly, independent claim 12 recites "receiving, at a server node, a request for media space from a buyer and an offer of media space from a seller,

matching a request of one of the buyers and an offer of one of the sellers at the server node that satisfy a deal execution requirement to form a matched pair, executing, at the server node, a trade between the buyer and the seller, and facilitating delivery of the media content between the matched buyer and seller”.

Eldering discloses an advertisement auction system wherein a content/opportunity provider 160 (i.e. a seller) may auction to one or more advertisers 144 (i.e. buyers) certain advertising space/opportunities. In particular, content/opportunity provider 160 transmits an announce opportunity message to one or more advertisers 144 (see col. 9, lines 50-52 of Eldering). Advertiser 144 then transmits an ad characterization to either the content/opportunity provider 160 or profiler 140 (col. 10, lines 1-3). Profiler 140 maintains a consumer profile server 130 which contains a characterization of the consumer 100 (col. 4, line 11 - Col. 5, line 38). In one embodiment, the resulting profile data concerning the consumers are transmitted to content/opportunity provider 160 (col. 10, lines 21-23).

Examiner alleges that the consumer profiler 140 functions as the claimed server node. However, the consumer profiler of Eldering does not disclose or teach a server node that (1) receives a request for media space from a buyer and an offer of media space from a seller and (2) matches the request with the offer and executes a trade in accordance with a deal execution requirement as required by independent claims 1, 9 and 12. In contrast, the consumer profiler 140 merely provides information regarding a consumer to either a buyer or seller.

Eldering discloses a seller-centric auction model wherein a single seller auctions its advertising space to a plurality of buyers, without requiring a server node to act as an intermediary, on behalf of both the buyers and sellers, for collecting and matching offers and requests from the buyers and sellers. Indeed, under this seller-centric auction model, it is the seller, not an

intermediary server node, who decides whether to accept a particular bid or not (see, e.g., col. 10, lines 50-55). Furthermore, Eldering's consumer profiler 140 cannot be considered to be the claimed server node because profiler 140 performs a function that is fundamentally different from that of the claimed server node, namely, it performs a correlation operation and outputs a correlation result to either the seller or buyer so as to provide a basis for calculating, for example, a bid that the seller is willing to accept or one that the buyer is willing to offer (col. 10, lines 29-41). That is, the profiler merely provides information to one of the seller or buyer and has nothing to do with matching an offer with a request, as does the claimed server node. In fact, the results provided by the profiler 140 in Eldering may be used by a seller or buyer to determine what offer or request to make, and it is the seller who ultimately decides which of the offers it would accept.

For the aforementioned reasons, Applicant respectfully submits that independent claims 1, 9 and 12 are patentably distinguishable over the cited Eldering reference. Similarly, dependent claims 2-8, 10-11, and 13-14 are also patentable.

Please charge our Patent and Trademark Office Deposit Account the amount \$350.00 (small entity) for 14 total claims in excess of 20.

It is believed that no additional fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,  
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